

ORIGINAL

GEOFFREY S. BERMAN  
 United States Attorney for the  
 Southern District of New York  
 By: JOHN E. GURA, JR.  
 Assistant United States Attorney  
 86 Chambers Street  
 New York, New York 10007  
 Telephone No.: (212) 637-2712  
 Fax No.: (212) 637-2717

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/10/2019
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>CERTIFICATE OF SERVICE</u>
	:	
Plaintiff and	:	98 CR 0026-01 (KMW)
Judgment-Creditor,	:	
	:	
-v.-	:	
	:	
ALAN STRICOFF,	:	
	:	
Defendant and	:	
Judgment-Debtor,	:	
	:	
and	:	
	:	
MERCEDES-BENZ OF MASSAPEQUA,	:	
	:	
Garnishee.	:	
	:	

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I, John E. Gura, Jr., hereby certify that on November 27, 2019, I served a copy of the Application for Writ of Garnishment, Writ of Garnishment, Clerk's Notice of Post-Judgment Garnishment and Notice of Garnishment and Instructions to Garnishee, Notice of Garnishment and Instructions to Defendant by causing the same to be delivered by mail to: (1) Mercedes-Benz of Massapequa, 101 E. Sunrise Hwy. Amityville, NY 11701; and (2) Alan Stricoff, 310 Avalon Pines Dr., Coram, NY 11727-5128.

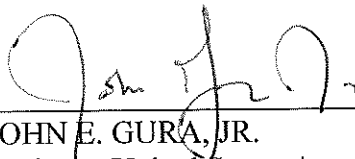
I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746.

Dated: New York, New York

November 7, 2019

GEOFFREY S. BERMAN  
United States Attorney  
Southern District of New York  
Attorney for the United States  
of America

By:

  
\_\_\_\_\_  
JOHN E. GURA, JR.  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Telephone No.: (212) 637-2712

GEOFFREY S. BERMAN  
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Telephone No.: (212) 637-2712  
Fax No.: (212) 637-2717  
[john.gura@usdoj.gov](mailto:john.gura@usdoj.gov)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA,	:	NOTICE OF GARNISHMENT
	:	AND INSTRUCTIONS TO
Plaintiff and	:	<u>DEFENDANT</u>
Judgment-Creditor,	:	
	:	98 CR 0026-01 (KMW)
-v.-	:	
ALAN STRICOFF,	:	
	:	
Defendant and	:	
Judgment-Debtor,	:	
and	:	
MERCEDES-BENZ OF MASSAPEQUA,	:	
	:	
Garnishee.	:	

-----x

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a judgment entered against you on September 8, 1998, and that the Garnishment was served on (the "Garnishee"), and it is believed that the Garnishee may have property of yours in its custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the answer of the Garnishee, you file a written objection to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a court order will be entered attaching the funds or property and the funds or property will be applied against the judgment owed the United States of America. A list of exemptions which are not subject to the Writ of Garnishment is attached to the Clerk's Notice of Post Judgment Garnishment, entitled Summary of the Major Exemptions in the State of New York. If you wish, the Clerk's Notice of Post Judgment Garnishment may be used to request a hearing and claim an exemption.


Any objection that you file to contest the garnishment must be filed in the office of the Clerk of the United States District Court, Southern District of New York, at United States Courthouse, 500 Pearl Street, Room 120, New York, New York 10007. The objection must state your reasons for believing that this property is not subject to attachment by the United States of America. A copy of the objection or other pleadings must also be served on: (1) the Assistant United States Attorney, John E. Gura, Jr., at the United States Attorney's Office for the Southern District of New York, Financial Litigation Unit, 86 Chambers Street, New York, New York 10007; and (2) Alan Stricoff, 310 Avalon Pines Dr., Coram, NY 11727. You may wish to consult a lawyer for advice as to the meaning of this notice.

Dated: New York, New York

November 27, 2019

GEOFFREY S. BERMAN  
United States Attorney  
Southern District of New York  
Attorney for United States  
of America

By:

  
\_\_\_\_\_  
JOHN E. GURA, JR.  
Assistant United States Attorney  
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john.gura@usdoj.gov

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,	:	NOTICE OF GARNISHMENT AND INSTRUCTIONS TO GARNISHEE
	:	
Plaintiff and	:	
Judgment-Creditor,	:	98 CR 0026-01 (KMW)
	:	
-v.-	:	
	:	
ALAN STRICOFF,	:	
	:	
Defendant and	:	
Judgment-Debtor,	:	
	:	
and	:	
	:	
MERCEDES-BENZ OF MASSAQEPUA,	:	
	:	
Garnishee.	:	

-----X

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property of the debtor listed therein, or any other property of the debtor's. You are required by law to serve a written answer to this writ within 10 days of your receipt of this writ. You are further required to withhold and retain any property in which the debtor has a substantial non-exempt interest. A list of exemptions which are not subject to the Writ of Garnishment is attached to the Clerk's Notice of Post-Judgment Garnishment, entitled Summary of Major Exemptions in the State of New York.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NONEXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE ATTORNEY'S FEES TO THE UNITED STATES OF AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call the of the United States Attorney's Office at (212) 637-2712 or write by mail to:

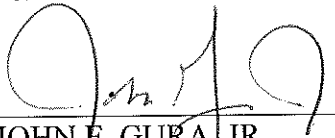
United States Attorney's Office  
86 Chambers Street  
New York, New York 10007  
Attn: John E. Gura, Jr.  
Assistant United States Attorney

Dated: New York, New York

November 27, 2019

GEOFFREY S. BERMAN  
United States Attorney  
Southern District of New York  
Attorney for United States  
of America

By:

  
\_\_\_\_\_  
JOHN E. GURA, JR.  
Assistant United States Attorney  
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 john.gura@usdoj.gov

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA,	:	CLERK'S NOTICE OF
	:	POST-JUDGMENT
	:	<u>GARNISHMENT</u>
Judgment-Creditor,	:	98 CR 0026-01 (KMW)
- v.-	:	
ALAN STRICOFF,	:	
	:	
Defendant and	:	
Judgment-Debtor,	:	
	:	
and	:	
	:	
MERCEDES-BENZ OF MASSAPEQUA,	:	
	:	
Garnishee.	:	
-----X	:	

You are hereby notified that non-exempt earnings are being taken by the United States Government (the "Government"), which has a judgment against you in the above-captioned action in the sum of \$325,174.00, arising from an order of restitution. A balance of \$253,088.90 remains outstanding as of October 21, 2019.

In addition, you are hereby notified that there are exemptions under the law which may protect some of this property from being taken by the Government if you can show that the



exemptions apply. Attached is a summary of the major exemptions which apply in most situations under federal law.

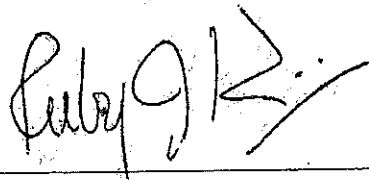
If you are Alan Stricoff and you disagree with the reason the Government gives for taking your property now, or if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the exemptions, you have a right to ask the Court to return your property to you.

If you want a hearing, you must promptly notify the court. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at the United States District Courthouse 500 Pearl Street, New York, New York 10007. If you wish, you may use this notice to request the hearing by checking the box at the end of this notice and mailing this notice to the Clerk of the Court. You must also send a copy of your request to John E. Gura, Jr., Assistant United States Attorney at the United States Attorney's Office, 86 Chambers Street, New York, New York 10007, so the Government will know you want a hearing. The hearing will take place within five days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. At the hearing you may explain to the judge why you think you do not owe the money to the Government, why you disagree with the reason the Government says it must take your property at this time, or why you believe the property the Government has taken is exempt or belongs to someone else. You may make any or all of these explanations as you see fit.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at the United States District Courthouse 500 Pearl Street, New York, New

York 10007. You must also send a copy of your request to the Government at the United States Attorney's Office, 86 Chambers Street, New York, New York 10007 Attn: John E. Gura, Jr., Assistant United States Attorney, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

A handwritten signature in black ink, appearing to read "Julia K.", is written over a horizontal line.

CLERK

UNITED STATES DISTRICT COURT

\_\_\_\_\_ I/we request a hearing

Clerk's Office  
United States District Court  
500 Pearl Street  
New York, New York .10007

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant and  
Judgment-Debtor

( ) \_\_\_\_\_  
Telephone

GEOFFREY S. BERMAN  
 United States Attorney for the  
 Southern District of New York  
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 Assistant United States Attorney  
 86 Chambers Street  
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 john.gura@usdoj.gov

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA,	:	<u>WRIT OF GARNISHMENT</u>
	:	
Plaintiff and	:	98 CR 0026-01 (KMW)
Judgment-Creditor,	:	
	:	
-v.-	:	
	:	
ALAN STRICOFF,	:	
	:	
Defendant and	:	
Judgment-Debtor,	:	
	:	
and	:	
	:	
MERCEDES-BENZ OF MASSAPEQUA,	:	
	:	
Garnishee.	:	

----- X

GREETINGS TO: Mercedes-Benz of Massapequa  
 101 E. Sunrise Hwy.  
 Amityville, NY 11701

An application for a Writ of Garnishment against the property of defendant Alan Stricoff, (the "debtor"), whose last known address is 310 Avalon Pines Dr., Coram, NY 11727-5128, has been filed with this Court. On September 8, 1998, a judgment arising out of an order

of restitution was entered against the debtor in the amount of \$325,174.00. The balance due on the judgment as of October 21, 2019, is \$253,088.90.

You are required by law to withhold and retain any property in which the debtor has a substantial nonexempt interest and for which you have or may become indebted to the debtor pending further order of the Court. You are required by law to file a written answer, under oath, within ten (10) days of service of this writ stating whether or not you have in your custody, control or possession, any property owned by the debtor, including nonexempt, disposable earnings. Please state whether or not you anticipate making any future payments to the debtor and whether such payments will likely be weekly, bi-weekly or monthly.

You must file the original answer to this writ with the Clerk of the United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007, Attn: Arraignment Unit Room 520. Additionally, you are required to serve a copy of the answer upon the debtor Alan Stricoff, at 310 Avalon Pines Dr., Coram, NY 11727-5128, and upon Assistant United States Attorney John E. Gura, Jr., United States Attorney's Office, 86 Chambers Street, New York, New York 10007.

There may be property which is exempt by law from this writ of garnishment. Property which is exempt and which is not subject to this writ is listed on the annexed Notice from the Clerk of the United States District Court.

Pursuant to 15 U.S.C. § 1674, as Garnishee, you are prohibited from discharging the debtor from employment by reason of the fact that the debtor's earnings have been subject to garnishment.

If you fail to answer this writ or withhold property in accordance therewith, the United States of America may petition the Court for an order directing you to appear before the court to show good cause why you failed to comply with this writ. If you fail to appear or do

appear and fail to show good cause why you failed to comply with the writ, the court shall enter a judgment against you for the value of the debtor's nonexempt interest in the property.

It is unlawful to pay or deliver to the debtor any items attached by this writ.

Dated: New York, New York

October 28, 2019

So Ordered:

Kimberly M. Wood

UNITED STATES DISTRICT JUDGE

km

**CLAIM FOR EXEMPTION FORM**  
**EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

\_\_\_\_\_ 1. Wearing apparel and school books. - Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.

\_\_\_\_\_ 2. Fuel, provisions, furniture, and personal effects. - So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$9,120 in value.

\_\_\_\_\_ 3. Books and tools of a trade, business, or profession. - So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$4,560 in value.

\_\_\_\_\_ 4. Unemployment benefits. - Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

\_\_\_\_\_ 5. Undelivered mail. - Mail, addressed to any person, which has not been delivered to the addressee.

\_\_\_\_\_ 6. Certain annuity and pension payments. - Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.

\_\_\_\_\_ 7. Workmen's Compensation. - Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

\_\_\_\_\_ 8. Judgments for support of minor children. - If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

\_\_\_\_ 9. Certain service-connected disability payments. - Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under- (A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.

\_\_\_\_ 10. Assistance under Job Training Partnership Act. - Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

\_\_\_\_ 11. Minimum exemptions for wages, salary and other income. - The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

**Restrictions on Garnishment (15 U.S.C. § 1673)**

The portion of your weekly earnings subjected to garnishment cannot be greater than 25% of your weekly disposable (i.e., after withholding) earnings OR the amount by which your disposable weekly earnings exceed \$217.50, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.



\_\_\_\_\_ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Cell phone Number: \_\_\_\_\_

\_\_\_\_\_  
Debtor's printed or typed name

\_\_\_\_\_  
Signature of debtor

\_\_\_\_\_  
Date

## **IMPORTANT STATEMENT**

This wage garnishment directs the withholding of up to 25 percent of the judgment-debtor's disposable income. In certain cases, however, federal law does not permit the withholding of that much of the debtor's disposable income. The judgment debtor is referred to Title 15 of the United States Code § 1671, et seq.

### **I. Limitations on the amount that can be withheld**

A. If judgment-debtor's weekly disposable earnings are less than thirty (30) times the current federal minimum wage (\$7.25 per hour), or \$217.50, no deduction can be made under this wage garnishment.

B. A judgment-debtor's weekly disposable earnings cannot be reduced below the amount arrived at by multiplying thirty (30) times the current federal minimum wage (\$7.25 per hour), or \$217.50 under this wage garnishment.

C. If deductions are being made from a judgment-debtor's gross income under any orders for alimony, support or maintenance for family members or former spouses, and those deductions equal or exceed twenty-five percent (25%) of the judgment-debtor's disposable earnings, no deductions can be made under this wage garnishment.

D. If deductions are being made from a judgment-debtor's gross income under any orders for alimony, support or maintenance for family members or former spouses, and those deductions are less than twenty-five percent (25%) of the judgment-debtor's disposable earnings, deductions may be made under the wage garnishment. However, the amount arrived at by adding the deductions made under this wage garnishment to the deductions made under any orders for alimony, support or maintenance for family members or former spouses cannot exceed twenty-five (25%) of the judgment-debtor's disposable earnings.

**NOTE: Nothing in this notice limits the proportion or amount which may be deducted under any order for alimony, support or maintenance for family members or former spouses.**

### **II. Explanation of limitations**

#### **Definitions**

**Disposable Earnings** - Disposable earnings are that part of an individual's earnings left after deducting those amounts that are required by law to be withheld (for example, taxes, social security and unemployment insurance, but not deductions for union dues, insurance plans, etc.).

**Gross Income** - Gross income is salary, wages or other income including any and all overtime earnings, commissions and income from trusts, before any deductions are made from such income.

GEOFFREY S. BERMAN  
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 Southern District of New York  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	: APPLICATION FOR WRIT OF
	: <u>GARNISHMENT</u>
Plaintiff and	:
Judgment-Creditor,	: 98 CR 0026-01 (KMW)
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ALAN STRICOFF,	:
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Defendant and	:
Judgment-Debtor,	:
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and	:
	:
MERCEDES-BENZ OF MASSAPEQUA,	:
	:
Garnishee.	:
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The United States of America, by and through its attorney, Geoffrey S. Berman, United States Attorney for the Southern District of New York, in accordance with 28 U.S.C. § 3205(b)(1), makes application for a Writ of Garnishment upon the judgment entered against defendant Alan Stricoff (the “debtor”), social security number xxx-xx-xxxx, whose last known address is 310 Avalon Pines Dr., Coram, NY 11727-5128. The judgment arises out of an order of restitution in the amount of \$325,174.00. The balance due on the debt as of October 21, 2019, is \$253,088.90.

Demand for payment of the debt was made upon the debtor not less than 30 days from the date of this application, and the debtor has not paid the amount due.

(the "Garnishee") is believed to owe or will owe money or property to the debtor, or is in possession of property of the debtor, and the property is a nonexempt interest of the debtor.

The name and address of the Garnishee or its authorized agent is: Mercedes-Benz of Massapequa, 101 E. Sunrise Hwy, Amityville, NY 11701 Attention: Payroll Department

The attached Writ of Garnishment satisfies the requirements of 28 U.S.C. § 3205.

Dated: New York, New York  
October 23, 2019

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York  
Attorney for the United States  
of America

By: 

JOHN E. GURA, JR.  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	<u>WRIT OF GARNISHMENT</u>
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Plaintiff and	:	98 CR 0026-01 (KMW)
Judgment-Creditor,	:	
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GREETINGS TO: Mercedes-Benz of Massapequa  
 101 E. Sunrise Hwy.  
 Amityville, NY 11701

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You are required by law to withhold and retain any property in which the debtor has a substantial nonexempt interest and for which you have or may become indebted to the debtor pending further order of the Court. You are required by law to file a written answer, under oath, within ten (10) days of service of this writ stating whether or not you have in your custody, control or possession, any property owned by the debtor, including nonexempt, disposable earnings. Please state whether or not you anticipate making any future payments to the debtor and whether such payments will likely be weekly, bi-weekly or monthly.

You must file the original answer to this writ with the Clerk of the United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007, Attn: Arraignment Unit Room 520. Additionally, you are required to serve a copy of the answer upon the debtor Alan Stricoff, at 310 Avalon Pines Dr., Coram, NY 11727-5128, and upon Assistant United States Attorney John E. Gura, Jr., United States Attorney's Office, 86 Chambers Street, New York, New York 10007.

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If you fail to answer this writ or withhold property in accordance therewith, the United States of America may petition the Court for an order directing you to appear before the court to show good cause why you failed to comply with this writ. If you fail to appear or do

appear and fail to show good cause why you failed to comply with the writ, the court shall enter a judgment against you for the value of the debtor's nonexempt interest in the property.

It is unlawful to pay or deliver to the debtor any items attached by this writ.

Dated: New York, New York

October 28, 2019

So Ordered:

Clinton M. Wood  
UNITED STATES DISTRICT JUDGE

*km*